



STATUTES
OF THE
PROVINCE OF ONTARIO,

PASSED IN THE SESSION. HELD IN THE
THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA,

BEING THE FOURTH SESSION OF THE SECOND PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE TWELFTH DAY OF NOVEMBER, IN THE YEAR OF
OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.



HIS EXCELLENCY
THE HONOURABLE JOHN CRAWFORD,
LIEUTENANT-GOVERNOR.

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ANNO DOMINI, 1874.

CAP. VIII.

An Act respecting Marriages, and Licenses and Certificates to Marry.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Licenses
signed by official persons
valid notwithstanding their
offices vacated.

1. Every license executed under the hand and seal of the Lieutenant-Governor, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding that the Lieutenant-Governor or Provincial Secretary, or Assistant Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate.

Unauthorized
persons issuing
licenses are subject to
a fine.

2. If any person shall issue any license or certificate for the solemnization of marriage without being authorized by the Lieutenant-Governor in Council in that behalf, unless under the authority in the next section contained, he shall forfeit to Her Majesty the sum of one hundred dollars for every license or certificate so issued.

Deputy issuers
may be appointed.

3. Any issuer of marriage licenses or certificates may, with the approval, in writing, of the mayor or reeve of the city, town, township or incorporated village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint, by writing under his hand, a deputy to act for him, and the said deputy shall, while so acting at the residence or office or place of business of the said issuer for whom the deputy acts, possess the powers and privileges (as to administering necessary oaths and otherwise) of the issuer appointing him : The issuer shall, upon appointing a deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant-Governor may at any time annul the appointment.

How deputies
to sign
licenses.

4. Every deputy so appointed shall sign each license and certificate issued by him, with the name of his principal as well as his own name, in the following manner—"A. B., Issuer of Marriage Licenses, per C. D., Deputy Issuer," or to the like effect ; but no irregularity in the issue of a license or certificate issued by an issuer or deputy issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof.

5. Every issuer of licenses or certificates aforesaid, or any other person having unissued licenses or certificates in his possession, power, custody or control, shall whenever required so to do, transmit to the Provincial Secretary every such license or certificate; and the property in all unissued licenses and certificates shall be and remain in Her Majesty.

Unissued
Licenses to be
returned when
required.

6. All marriages which have before the passing of this Act been celebrated within the Province of Ontario by any person legally authorized to marry, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid so far as respects the civil rights, in this Province, of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the banns were not published at the place or time, or in the manner required by law, or that there was any other defect in the publication of the banns, or that no banns were published; or notwithstanding that there was any defect in the marriage license or certificate, or in the affidavit on which the same was issued, or that the same was issued without any affidavit, or that the marriage was celebrated without a license or certificate; provided that the parties thereafter lived together, and cohabited as husband and wife, and that the validity of the marriage has not hitherto been questioned in any suit at law or in equity; and provided further, that nothing in this Act contained shall extend or be construed to extend to make valid any marriage illegally solemnized where the parties to such illegal marriage or either of them has since contracted matrimony according to law.

Past marriages
valid in cer-
tain cases.

CAP. IX.

An Act respecting Terms in the Courts of Queen's Bench and Common Pleas.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In case it appears to the Judges of the Courts of Queen's Bench and Common Pleas or to any four of them, of whom the chief Justices shall be two, that the number of days which are now provided for holding Easter or Michaelmas Term, or which under the authority hereinafter conferred may be provided for holding Hilary or Trinity Term, is not required for the due despatch of the business to be transacted in such Term

Judges may
shorten or
lengthen
terms.